

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
 Muhanna et al.) Art Unit: **3738**
Serial No: **10/701,883**) Examiner: **Prone, Christopher D.**
Filed: **November 5, 2003**) Docket No: **M112 1071.1**
For: **VERTEBRAL BODY REPLACEMENT AND METHOD OF USE**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby voluntarily discloses the information listed on the attached Form PTO/SB/08A and PTO/SB/08B to the Assistant Commissioner for Patents. The citation of information on the attached Form(s) PTO/SB/08, "List of Art Cited by Applicant" is made pursuant to 37 C.F.R. §§ 1.97 and 1.98. A copy of each cited item is enclosed unless stated otherwise hereinbelow.

By Waiver in the Pre-OG Notice dated July 11, 2003, the Patent Office established that "[t]he Office ... waives the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003. Further, pursuant to the Deputy Commissioner's Notice of October 19, 2004, "the requirement in 37 CFR 1.98(a)(2)(iii) for a legible copy of the specification, including claims, and drawings of each cited pending U.S. patent application (or portions of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's I[mage] F[ile] W[rapper] system."

With a view to the above, the following summarizes the status of copies of listed information provided with the instant Information Disclosure Statement:

- copies of Items A - C are not attached.

Notice under MPEP 2001.06(b) – Related Co-pending U.S. Applications

Applicant also requests that the Examiner review and consider Applicant's below-listed co-pending patent applications:

U.S. Patent Application No. 10/403,598, filed March 31, 2003

U.S. Patent Application No. 10/923,499, filed August 20, 2004

Citation of this information does not constitute an admission that any of the materials are available as a reference, does not constitute an admission of priority, does not constitute an admission that any information cited or provided hereby is "material," and does not constitute a waiver of any right applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise. Without limiting the foregoing, Applicant specifically reserves the right to establish the patentability of the claimed invention over any of the listed information should they be applied as references, and/or to prove that some of the cited information may not be prior art, and/or to prove that some of the cited information may not be enabling for the teachings they purport to offer.

This statement further should not be construed as a representation that an exhaustive search has been made, or that the information cited herewith is material, or that there does not exist information more material to the examination of the present Application. The Examiner is specifically requested not to rely solely on the information submitted herein. On the contrary, the Examiner is requested to conduct a thorough review of the information, and to form independent opinions as to its significance.

In accordance with 37 CFR 1.97(c) and 1.17(p), Applicant authorizes the commissioner to charge \$180.00 to our Deposit Account No. 09-0528 representing the filing fee for filing this Information Disclosure Statement.

It is respectfully requested that the Examiner initial and return copies of the enclosed form(s) PTO/SB/08 and indicate in the official file wrapper of the above-identified patent application that each item of the cited information has been considered.

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Respectfully submitted,



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Date: 1-25-2007

Docket No.: M112 1071.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/701,883
				Filing Date	November 5, 2003
				First Named Inventor	Muhanna
				Art Unit	3738
				Examiner Name	Prone, Christopher D.
Sheet	1	of	1	Attorney Docket Number	M112 1071.1

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A	6,824,565	11/2004	Muhanna et al.	
	B	2002/0029082	03/2002	Muhanna	
	C	2002/0045944	04/2002	Muhanna et al.	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:	DATE CONSIDERED:
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Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE